

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Jon Ruiz, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Councilmember Dages gave the invocation and led the Pledge of Allegiance to the Flag.

PRESENTATION OF IDEAS\$ PAY CERTIFICATES AND MONETARY AWARDS

Presented.

PROCLAMATION: VIETNAM VETERANS SALUTING AND HONORING THE VICTIMS OF THE 1983 BEIRUT BOMBING

Read and presented.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the City Hall Flag to be flown at half-staff on Thursday, October 23rd in honor and in remembrance of the Beirut bombing victims and their service and sacrifice, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

WELCOME AND INTRODUCTION OF THE VISITING DELEGATION FROM THE CITIES OF KAZAN AND NABEREZHNYE CHELNY IN THE REPUBLIC OF TATARSTAN, RUSSIA - PRESIDENT BOYAJIAN

Welcome and introductions made.

APPROVE MINUTES OF OCTOBER 7, 2003

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of October 7, 2003, approved, as amended by Acting President Castillo, adding the following italicized sentence at the end of Acting President Castillo's comments on the 2:15 p.m. item (Convention Center contract award to SMG), Page 142-136, 4th paragraph, 4th sentence: "*Upon further question, Chief Assistant City Attorney Sanchez confirmed a portion of SMG's \$250,000 contribution would have to be paid back to SMG if the agreement were to be terminated earlier due to non-performance.*"

COUNCIL MEMBER REPORTS AND COMMENTS:

INVITATION TO COMMUNITY TO SOUTHEAST FRESNO'S FREE, FAMILY-ORIENTED 7TH ANNUAL HARVEST CELEBRATION ON OCTOBER 31ST AT KINGS CANYON AND CLOVIS AVENUES NEXT TO VON'S GROCERY STORE - COUNCILMEMBER DAGES

Invitation extended.

MEDIA REPORTS ON PINEDALE SCHOOL - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated media reports that Pinedale School was going to disappear and Clovis Unified was going to sell it off were not true; advised funds were budgeted for the Pinedale Specific Plan and plans for a primarily residential Pinedale community were being looked at; and added Clovis Unified had no plan to do away with the school and the Mayor's education staff attended the Clovis Unified Board meeting to make Clovis aware of what Fresno wanted for the Pinedale community.

REQUEST CITY MANAGER REVIEW AND RESPOND TO THE EDC's 2003 END-OF-YEAR REPORT - COUNCILMEMBER CALHOUN

Request made.

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APPROVE AGENDA:

(5:00 P.M.) DISCUSSION AND ACTION REGARDING THE FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA) CONTACT - ACTING PRESIDENT CASTILLO

1. DIRECT STAFF TO REVISE THE CITY'S LAST, BEST AND FINAL OFFER TO FCEA BY AUTHORIZING RETROACTIVE SALARIES TO JANUARY 1, 2003
2. DIRECT STAFF TO RETURN WITH DOCUMENTS TO IMPLEMENT THE LAST, BEST AND FINAL OFFER TO FCEA
3. DIRECT THAT DEPARTMENT HEADS/ASSISTANT DEPARTMENT HEADS/SR. MANAGEMENT MERIT/COLA INCREASES BE REDUCED TO SALARY LEVELS THAT WERE IN PLACE PRIOR TO JUNE 30, 2002, INCLUDING DEPARTMENTS REPORTING TO COUNCIL

A motion and second was made to remove the item from the agenda.

Acting President Castillo stated he placed the matter on the agenda because fairness was needed, noted the City's workforce was being told there was no money for raises yet management employees received raises, and stressed if there was no money for the workforce no one should receive a raise.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled 5:00 p.m. item removed from the agenda, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Boyajian
Noes	:	Castillo, Perea
Absent	:	None

(1-L) AWARD A CONTRACT TO METRO VIDEO SYSTEMS, INC., OF EL SEGUNDO, CA FOR INSTALLATION OF A CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM TO ENHANCE SECURITY AT FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT

Removed from the agenda at the request of staff.

(1-M) AWARD A CONTRACT TO B H CABLE JOINT VENTURE OF SACRAMENTO, CA IN THE AMOUNT OF \$609,150 FOR FIBER OPTIC INTERCONNECT INFRASTRUCTURE FOR CLOVIS UNIFIED SCHOOL DISTRICT CAMPUSES

Removed from the agenda at the request of staff.

(2-B) CONSIDER A PROPOSED TRIMESTER PLAN AMENDMENT PROGRAM FOR PROPOSED PLAN AMENDMENTS TO THE 2025 FRESNO GENERAL PLAN

1. RESOLUTION - AMENDING THE PLANNING GUIDELINES OF THE LOCAL PLANNING AND PROCEDURES ORDINANCE (LPPO)

Removed from the agenda at the request of staff.

(3-B) DIRECT PUBLIC WORKS STAFF TO COMPLETE THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND R.J. HILL HOMES, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF BUTLER AND ARMSTRONG - COUNCILMEMBER DAGES

Removed from the agenda by Councilmember Dages.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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CONSIDER CONSENT CALENDAR:

Gloria Torrez stated a couple of people were asking that all consent items be pulled and voted upon separately, and relative to Item **1-P** requested the Mayor veto the item, stated she was opposed to rebudgeting capital project monies and directing the funds to liquid natural gas citing the risks, stated the money needed to stay with FAX and go to needed improved transit services, spoke in opposition to \$85,000 going to free bus passes for downtown workers, and stated public input was needed in the decision making.

Barbara Hunt, 2475 S. Walnut, spoke to item **1-P** and concurred the money needed to stay with the FAX, questioned what the projects were in item **1-E**, questioned what equipment was being declared surplus in item **1-K** and where the equipment was going, and spoke in support of item **1-S**.

ADOPT CONSENT CALENDAR:

(1-A) APPROVE APPOINTMENTS OF MARTHA VILLAFAN, JOHN PAUL YOEEL, WILLIAM LEIFER, SAM SIMONIAN, JOHN TEIXEIRA AND RUEBEN SCOTT TO THE HOUSING AUTHORITY BOARD - MAYOR AUTRY

(1-C) AWARD A CONTRACT FOR MEDICAL PROVIDER SERVICES

1. DIRECT STAFF TO EXECUTE A THREE YEAR CONTRACT WITH ST. AGNES OCCUPATIONAL HEALTH CENTER TO PROVIDE PRE-EMPLOYMENT AND SPECIALIZED MEDICAL EXAMINATIONS AND PERFORM THE CITY'S DRUG/ALCOHOL TESTING PROGRAM DUE TO ITS COMPETITIVE FEE SCHEDULE AND ACCEPTABLE SERVICE LEVEL
2. APPROVE UTILIZATION OF VALLEY INDUSTRIAL AND FAMILY MEDICAL GROUP ON THOSE OCCASIONS WHERE PRIORITY SCHEDULING IS REQUIRED

(1-D) APPROVE APPOINTMENT OF STEVE DONOVAN TO THE ROOSEVELT IMPLEMENTATION COMMITTEE - COUNCILMEMBER DAGES

(1-E) RESOLUTION NO. 2003-318 - AUTHORIZING ACCEPTANCE OF FEDERAL FISCAL YEAR 2004 AND 2005 GRANTS OFFERED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR AIRPORT IMPROVEMENT PROJECTS (AIP) AT BOTH FRESNO YOSEMITE INTERNATIONAL AIRPORT AND CHANDLER DOWNTOWN AIRPORT, ACCEPTANCE OF ALL SUBSEQUENT AMENDMENTS OFFERED BY THE FAA AND EXECUTION OF ALL REQUIRED DOCUMENTS BY THE DIRECTOR OF TRANSPORTATION OR OTHER AUTHORIZED REPRESENTATIVE, AND AUTHORIZING PRE-APPLICATION AND APPLICATION FOR AIP GRANTS FOR FEDERAL FISCAL YEARS 2004, 2005 AND 2006 BY OCTOBER 2003 AS REQUIRED BY THE FAA

(1-F) APPROVE THE CITY'S PARTICIPATION IN THE 2003 STATE HOMELAND SECURITY AND OFFICE OF EMERGENCY SERVICES GRANT PROGRAMS AS SUB-RECIPIENT OF THE COUNTY OF FRESNO IN THE AMOUNT OF \$546,300, AND AUTHORIZE THE EXECUTION OF RELATED DOCUMENTS

1. RESOLUTION NO. 2003-319 - 36TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$546,300 TO THE POLICE DEPARTMENT FOR THE STATE HOMELAND SECURITY AND STATE DOMESTIC PREPAREDNESS GRANT PROGRAMS

(1-G) RESOLUTION NO. 2003-320 - 37TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$58,500 FOR ADDITIONAL COSTS RELATED TO BOARDING THE SANTA BARBARA ZOO ELEPHANTS

(1-H) RESOLUTION NO. 2003-321 - 39TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$10,000 FROM UGM PARK ZONE 5 FUND TO EXPAND THE EXISTING BASKETBALL COURT AT STALLION NEIGHBORHOOD PARK

(1-I) APPROVE EXTENSION NO. 3 TO TEMPORARY USE PERMIT ISSUED TO FACILITY SERVICES AND SYSTEMS (FS&S) TO OCCUPY PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI), AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-J) APPROVE SUPPLEMENTAL AGREEMENT NO. 5 TO THE LEASE WITH THE USA, U.S. ARMY ENGINEER DISTRICT TO OCCUPY PREMISES AT FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT

(1-N) RESOLUTION NO. 2003-322 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$50,000 TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) FOR FUNDING UNDER THE WASTE TIRE TRACK AND OTHER RECREATIONAL SURFACING GRANT PROGRAM FY 2003/2004 TO INSTALL A PROTECTIVE SAFE AND SOFT RECYCLED SURFACE MATERIAL IN THE PROPOSED WATER FEATURE AT FINK-WHITE PLAYGROUND

1. AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR OR DESIGNATED REPRESENTATIVE TO EXECUTE AND SUBMIT ALL DOCUMENTS NECESSARY TO COMPLETE THE PROJECT

(1-O) RESOLUTION NO. 2003-323 - APPROVING THE FINAL MAP OF TRACT NO. 5117, SOUTH SIDE OF W. CLINTON BETWEEN N. BRAWLEY AND N. BLYTHE AVENUES, AND ACCEPTING DEDICATED PUBLIC USES THEREIN

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY DRAINAGE FACILITIES

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

(1-P) RESOLUTION NO. 2003-324 - 27TH AMENDMENT TO AAR 2003-209 FOR THE RE-BUDGET OF CAPITAL PROJECTS FOR THE TRANSPORTATION DEPARTMENT (AIRPORTS AND FAX) AND TO REFLECT FUNDING UPDATES, SPECIFICALLY AIRPORT IMPROVEMENT PROGRAM (AIP) GRANTS RECENTLY RECEIVED FROM THE FEDERAL AVIATION ADMINISTRATION (FAA), AND PROJECT COMPLETIONS

(1-Q) APPROVE THE NOMINATIONS OF DR. WILLIAM STEWART, HELEN CHAVEZ-HANSEN AND DR. PAUL BINION TO THE SELECTION COMMITTEE WHICH WILL BE RESPONSIBLE FOR RECRUITING AND SELECTING THE MEMBERS OF THE PUBLIC SAFETY COMMISSION

(1-S) APPROVE APPOINTMENTS OF COUNCILMEMBERS CALHOUN AND DAGES TO THE MAYOR/COUNCIL ECONOMIC DEVELOPMENT TASK FORCE - PRESIDENT BOYAJIAN

(1-T) BILL NO. B-91 - BILL FOR INTRODUCTION PROPOSING TO AMEND THE FRESNO MUNICIPAL CODE RELATING TO PAYMENT AND REIMBURSEMENT OF FIRE HYDRANT IMPACT FEES

1. RESOLUTION NO. 2003-325 - 412TH AMENDMENT TO MFS 80-420 DELETING THE FIRE HYDRANT CHARGE AND REIMBURSEMENT FEES ASSOCIATED WITHIN THE PUBLIC UTILITIES DEPARTMENT

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

(1-B) APPROVE APPOINTMENT OF JOHN MACIAS TO THE HUMAN RELATIONS COMMISSION (HRC) - MAYOR AUTRY

Councilmember Calhoun stated he would abstain and clarified he did not know Mr. Macias but he was not supportive of continuing to add people to the HRC.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, John Macias appointed to the Human Relations Commission, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None
 Abstain : Calhoun

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The City Council recessed its meeting at 9:12 a.m. and convened in joint session with the Redevelopment Agency.

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE MINUTES OF SEPTEMBER 30, 2003

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, RESOLVED, the Agency minutes of September 30, 2003, approved as submitted.

City Attorney Montoy recused herself from the proceedings (specifically item A-1) due to a conflict of interest and left the meeting at 9:13 a.m.

Chair Duncan noted a recent Fresno Bee on downtown development was very positive and commended Agency members for their commitment to downtown.

(“A”) JOINT RESOLUTION NO. 2003-326 / 1639 - APPROVING A TRANSFER OF VACANT REAL PROPERTY FROM THE CITY TO THE HOUSING AUTHORITY FOR AFFORDABLE HOUSING PURPOSES, AN OWNER PARTICIPATION AGREEMENT (OPA) BETWEEN THE REDEVELOPMENT AGENCY AND THE HOUSING AUTHORITY, AND EXECUTION OF RELATED DOCUMENTS AND MAKING CERTAIN FINDINGS

1. APPROVE AN OPA BETWEEN THE AGENCY AND THE HOUSING AUTHORITY FOR THE RELOCATION AND REHABILITATION OF A HOUSE LOCATED AT 261 N. THESTA WITHIN PHASE II OF THE REGIONAL MEDICAL CENTER PROJECT (JEFFERSON REDEVELOPMENT PROJECT AREA)

2. APPROVE A PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE CITY AND THE HOUSING AUTHORITY FOR THE TRANSFER OF VACANT REAL PROPERTY ACQUIRED WITH HOME PARTNERSHIP PROGRAM FUNDS LOCATED AT 416 N. CALAVERAS

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted and recommended approved.

Barbara Hunt 2475 S. Walnut, spoke to the issue.

Councilmember Sterling spoke to the successful first-time home buyers housing fair that was held the past weekend at the Ivy Community Center and in support of the subject issue and collaboration in providing housing for low to moderate income families, and made a motion to approve staff's recommendation. Agency Director Fitzpatrick stated even though this was only one house there was unique cooperation and collaboration between the Housing Authority, the development department, the Housing Task Force and the Historic Preservation Committee, and Acting President Castillo commended staff (George and Tom) for their work in his district **(2 - 0)**.

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Joint Resolution No. 2003-326/1639 hereby adopted, and the City Manager or designee and the Executive Director or Redevelopment Administrator authorized to take certain actions and to execute such documents necessary to finalize or carry out the intents and purposes of the Agency Board and/or City Council, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 9:22 a.m. and the City Council reconvened in regular session.

(2-A) BILL NO. B-90 - ORDINANCE NO. 2003-90 - ADDING SECTION TO THE FRESNO MUNICIPAL CODE RELATING TO THE ADOPTION OF RULES AND REGULATIONS RESTRICTING VEHICULAR OR PEDESTRIAN TRAFFIC THROUGH ALLEYS

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who spoke to the need for community awareness and questioned why alleys were being closed; and Troy Jowers, who questioned how this would affect those who go through alleys to park their vehicles, with President Boyajian responding.

A motion and second was made to adopt the ordinance. Councilmember Sterling spoke briefly to the issue and emphasized there would have to be 100% support of the residents before an alley can be closed.

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-90 adopted as Ordinance No. 2003-90, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(3-A) DISCUSSION AND STAFF DIRECTION TO CREATE AN OUTCOME-BASED GOVERNMENT TO INCLUDE A STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT SYSTEM

Councilmember Calhoun stated this was somewhat of a followup to a brief discussion he had with the city manager over one year ago on whether this was something he would consider looking into; advised this issue was still of interest to him relative to the city's budgeting process and the means in which the city is run; spoke to his memo submitted to Council which described an outcome-based government as one that includes a strategic planning and performance management system; and requested Council's support to encourage staff to move forward on this issue and report back in 6 months with some indicators that could be used in the budgeting process to do things better, faster, and better serve constituents.

Barbara Hunt, 2475 S. Walnut, spoke in support of the issue.

Councilmember Calhoun made a motion to direct the city manager to move forward and report back in 6 months.

Councilmember Dages stated he was reluctant to move forward based on the limited amount of information submitted and stated he was all for accountability but he wanted to know how much it would cost to change the way the City conducts business, if staff had the ways and means of implementing this system, and what other cities have tried this. Councilmember Duncan stated he felt the City was already headed in this direction, acknowledged there could be improvement but he felt this was premature, and requested Councilmember Calhoun withdraw his motion, continue talks on the issue as he felt this was a good direction to go, and have staff conduct a workshop on where staff felt they were on this issue, where they saw this going, and how it would impact the city. Councilmember Sterling questioned if there would be a cost involved or if this was something that departments would be doing anyway, and how it would be implemented, and stated this sounded like something that should be moved forward with direction given to staff if this was a progressive step for the city. Councilmember Calhoun responded to questions, clarified his motion (as noted on Page 2) was to request staff to report back within six months on measures taken and/or planned to incorporate an outcome-based government in the City of Fresno, stated Council had a role to lead and needed some oversight on what staff was doing or was planning to do otherwise Council would just be reacting to staff, and clarified he was only asking for an informational report and nothing was being mandated at this time. Councilmember Sterling seconded the motion on the floor.

City Manager Hobbs stated staff was supportive of outcome-based government; advised some of these things were being done now with performance measurements and best practices; stated he would report back in 30 days on what staff was currently doing and on what staff feels could be done to take this to the next level; and challenged Council, if this system were to be implemented, to have more of an orientation to outcome-based government and reiterated he would report back on what staff was doing, what else could be done to take this to the next level, and what role staff feels Council must play in an outcome-based government and explained. Councilmember Dages stated he would support the motion based on the city manager's comments.

President Boyajian stated he was perplexed after reading the information; questioned what the criteria was and who would judge who,; noted he has been on Council longer than anyone and stated some staff members he worked closely with were no longer employed by the City and it was not because they were incompetent; stressed what he was seeing more and more of was the City Council getting less and less information from certain departments and added there were some people Council was not even able to talk to; stated the administration did not like staff getting close to Council and he resented that; questioned what was more important--loyalty or performance--and elaborated; and stated for him to support this he wanted Council input on what Council feels the outcome should be on certain issues. Mr. Hobbs disagreed stating staff took pride in getting Council as much information as possible, clarified Council can not give direction to staff as it was prohibited by Charter, and reiterated he would clearly carve out Council's role in strategic planning in his report back so Council can not complain about what the outcomes are or aren't or how resources are allocated, with President Boyajian responding.

Councilmember Calhoun stated Council needed to be aware of the following critical sentence in his memo which read: "Performance measures challenge departments to set ambitious goals and enable council members and mayors to determine more accurately what resources are necessary to support desired levels of service", stated that was what the city manager was saying in that this was a collaborate effort, and reiterated the system did have measures.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, staff to report back in 30 days on measures taken, and/or planned, to incorporate an outcome-based government in the City of Fresno, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling
Noes	:	Castillo, Boyajian
Absent	:	None

(9:30 A.M.) APPROVE MEMORANDUM OF UNDERSTANDING ("MOU") WITH THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD REGARDING PRO RATA SHARING OF FIRE SUPPRESSION COSTS RECOVERED FROM THE MARKS/NEILSEN (ARCHIE CRIPPEN) FIRE EVENT

City Manager Hobbs reviewed the issue and recommendation as contained in the staff report as submitted, and City Attorney Montoy added her office concurred with staff's recommendation.

Barbara Hunt, 2475 S. Walnut, stated a contract needed to be entered into and expressed concern with an MOU.

142-146

10/21/03

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the Memorandum of Understanding ("MOU") with the California Integrated Waste Management Board to coordinate the recovery of costs expended to suppress the fire at 3230 W. Neilsen Avenue and 495 N. Marks Avenues in January and February of 2003, otherwise known as the Marks/Neilsen Fire Event (or "Archie Crippen Fire") hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(3-C) APPROVE COUNCIL PRESIDENT APPOINTMENTS TO THE SMG CONTRACT NEGOTIATIONS- PRESIDENT BOYAJIAN

Briefly reviewed by President Boyajian and upon question, Councilmembers Dages, Duncan and Sterling stated they wanted to be on the negotiating committee. Acting President Castillo noted tickets for the Elton John concert last year at the Selland Arena were \$60.00 and he was informed the cost to see Elton John at the Save Mart Arena was \$89.50 which included a \$13.50 handling fee, stated negotiating members needed to be aware of that and the additional \$13.50 fee needed to be made clear to all those who believed a good deed was done for the City by awarding the Convention Center contract to SMG, whereupon Councilmember Calhoun called a point of order stating Acting President Castillo's comments had nothing to do with the subject issue. Acting President Castillo continued and stressed the handling fee would exclude a lot of people in the community from attending any type of event because the ticket cost will be out of reach for many who cannot afford it, and also stated performance measures needed to be put in place and reviewed annually and explained.

Barbara Hunt, 2475 S. Walnut, stated reduced rates for events should be given to seniors, the poor and the disabled.

Councilmember Perea questioned when Council members would be able to express their views to the negotiating team on what they felt was important, with City Attorney Montoy stating Council already did that when they approved the award to SMG clarifying that award included all the parameters consistent with the original proposal, the Last, Best and Final, and the discussion and the conditions set by Council and added to do anything more would be inappropriate. Councilmember Perea stated his priority was taking care of the employees during the transition. President Boyajian stated his reason for appointing this committee was because of the parameters that were set, and commended Acting President Castillo and Councilmembers Sterling and Duncan for all the time they put into the last negotiations.

On motion of President Boyajian, seconded by Councilmember Dages, duly carried, RESOLVED, Councilmembers Dages, Duncan and Sterling appointed to the SMG contract negotiation team, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : Calhoun
Absent : None

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RECESS - 10:04 A.M. - 10:20 A.M.

(10:00 A.M.) STUDY SESSION CABLE FRANCHISE RENEWAL

City Manager Hobbs stated this was an informational briefing and a critical issue for Council, and noted there was a good write-up in the Fresno Bee last week that indicated what the stakes were and advised this was a \$400 million issue to Comcast who currently had the franchise. Upon question of President Boyajian, Assistant Finance Director Lynch spoke to the time table and the informational workshops that would be held at various locations throughout the community to gain public input.

Sue Buske, a national expert in cable agreement negotiations, **(3 - 0)** gave a Power Point presentation on the cable franchise renewal process, all as outlined in the written material as submitted, which included where the City of Fresno was at this time, what the opportunities were in the renewal process, some basics about the relationship between a cable operator and local governments, and issues that local governments are dealing with today due to the fact that cable is no longer just about television; played a video tape (Bill Moyer's

PBS Program NOW Segment “Losing Access?”) which summarized what a community media center can be; and gave an overview of the chart in Council’s packet entitled “Outcomes of Recent Cable Franchise Renewals”.

142-147

10/21/03

Extensive discussion ensued with Ms. Buske, Mr. Lynch, City Attorney Montoy and Mr. Hobbs responding to questions and/or comments of Councilmember Calhoun, Acting President Castillo, Councilmembers Duncan, Dages and Perea, and President Boyajian relative to whether there was any indication on the amount of public interest in the workshops, how the City benefits financially with the negotiations, gross revenues, the various entities and who pays for access, if the City negotiates the contract on behalf of the different entities, who has authority on programming, how an agreement can be negotiated with another company when the current company owns the fiber optics, how to assure fiber optic installation costs are not passed on to the consumer if a contract is awarded to another company, at what point the City decides to go with a new company, at what point Council gives direction to a company on Council’s expectations, what the current level of service was compared to two years ago, at what point other companies can participate and submit an RFP, if staff has begun the process of engaging other companies to work with the city, how a long-term contract is affected by a change in cable companies, length of franchise term being looked at, what is entailed in customer service and what are customer’s rights, if the high cost of cable and people switching to alternatives was an issue in negotiations, desire to see a 24-hour public government channel with some education, if consideration has been given to making public access a premium channel **(4 - 0)**, Proposition 218, what happens if the City does not want to negotiate with Comcast, non-control over rates, at what point a rate increase amount, if any, would be known due to City requirements or added service, profit margins and operating margins, if the negotiated agreement would come back to Council for approval, need to see if rates are or are not increased due to City requirements, Monterey’s PEG access channels and if seventy cents per subscriber per month was known before or after negotiations, Sacramento’s situation, if the City could theoretically make a cable company pay for anything asked for and if those costs would be taken out of the 5% franchise fee, the quick change in technologies and services and if a clause can be included in the contract to encompass any new changes, the City being able to levy the 5% franchise fee on only a portion of the \$400 million and not on the additional revenue from other services, and if the City’s revenues went into the general fund. Council thanked Ms. Buske and staff on the presentation and there was no further discussion.

(10:30 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 57, TRACT NOS. 4831, 5107 AND 5134

- 1. RESOLUTION NO. 2003-327 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2003-328 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2003-329 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-92 - ORDINANCE NO. 2003-91 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Kim gave a brief overview of the issue as contained in the staff report as submitted, recommended approval, and responded to questions of Acting President Castillo relative to whether a process was in place for apartment complexes and what would have to be done to establish CFDs for older apartment complexes.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-327, 2003-328 and 2003-329 hereby adopted, and the above entitled Bill No. B-92 adopted as Ordinance No. 2003-91, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(10:40 A.M.) HEARING ON REZONE APPLICATION NO. R-03-046 AND ENVIRONMENTAL FINDINGS, FILED BY LINDA MAK, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF E. MAGILL AVENUE AND N. FRESNO STREET (6685 N. FRESNO

STREET - DISTRICT 6)

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-046/S-03-46, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

2. BILL NO. B-93 - ORDINANCE NO. 2003-92 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO C-P

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10/21/03

President Boyajian announced the time had arrived to consider the issue and opened the hearing, and Planner Grinstead gave a brief overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-03-046/S-03-296 issued on September 26, 2003, hereby approved, and the above entitled Bill No. B-93 rezoning the subject property adopted as Ordinance No. 2003-92, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

- - - -

(10:45 A.M. #1) HEARING ON REZONE APPLICATION NO. R-03-41 AND ENVIRONMENTAL FINDINGS, FILED BY THE CITY OF FRESNO, PROPERTY LOCATED EAST OF S. MARKS BETWEEN W. KEARNEY BOULEVARD AND W. CHURCH AVENUES IN COUNCIL DISTRICT 3 (VETERANS HOME DEVELOPMENT)

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-41, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

2. BILL NO. B-94 - ORDINANCE NO. 2003-93 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AL-20 COUNTY TO R-1-A/UGM, R-1/UGM AND R-2/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing, and Planner Braun reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Sterling spoke in support of the issue and the veteran's home project stating there would be a number of future projects that would compliment it, and made a motion to approve staff's recommendation. Mr. Braun responded to questions of Councilmember Calhoun relative to whether the property owners would benefit from this rezone and if the 27 acres that were purchased were all for the veteran's home.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-03-41 dated September 9, 2003, hereby approved, and the above entitled Bill No. B-94 rezoning the subject property adopted as Ordinance No. 2003-93, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

- - - -

(10:45 A.M. #2) RESOLUTION NO. 2003-330 - 38TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$50,000 FOR PROFESSIONAL SERVICES FOR COMPLETION OF A FEASIBILITY STUDY FOR THE RUNNING HORSE PROJECT

Planner Barnes, Running Horse Project Manager, reviewed the issue as contained in the staff report as submitted, noted three proposals were received for the feasibility study and staff selected Economic Research Associates from San Francisco due to their strong

resume, and advised staff was anticipating reporting back on December 16th with at least a draft development agreement based on the study.

Barbara Hunt, 2475 S. Walnut, expressed concerns and questioned the study and the funding.

A motion and second was made to adopt the resolution.

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Mr. Barnes responded briefly to questions of Councilmember Sterling and President Boyajian relative to the firm that was selected and reasons therefore, with Councilmember Sterling urging staff to give preference to local companies in the future citing the Regional Jobs Initiative and the need to retain local jobs.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2003-330 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(11:00 A.M.) CONSIDER LEASE FINANCING NOT TO EXCEED \$3.5 MILLION REGARDING THE DOWNTOWN PARKING CAPITAL PROGRAM

1. RESOLUTION NO. 2003-331 - AUTHORIZING THE EXECUTION AND DELIVERY OF A SITE LEASE AND SITE SUBLEASE; AUTHORIZING THE EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FINANCING; WAIVING ANY POTENTIAL CONFLICT OF INTEREST; AND CONSENTING TO THE FINANCING WITH ZIONS FIRST NATIONAL BANK

(5 - 0) Finance Director/Controller Quinto reviewed the issue as contained in the staff report as submitted, recommended approval, and along with Deputy City Attorney Smith responded to questions of Acting President Castillo and President Boyajian relative to whether tax exempt financing could not be done due to private use, who/what the private use was, when the boxcar lot tenants' leases expired, and if this was an interim bonding solution.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-331 approving an interim lease financing not to exceed \$3.5 million to fund Downtown Parking expenditures that are subject to the October deadline for reimbursement hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

LUNCH RECESS - 12:07 P.M. - 2:16 P.M.

CONTESTED CONSENT CALENDAR:

(1-K) DECLARING SURPLUS EQUIPMENT AND AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF THE EQUIPMENT IN CONFORMANCE WITH SECTION 3-202 OF THE FRESNO MUNICIPAL CODE

Councilmember Calhoun questioned why the City had such a low threshold of \$1,000 and stated it would seem that anything being declared surplus and was only \$1,000 should be taken care of by staff, and questioned what the rationale was for that threshold and if the amount should be looked at, with City Manager Hobbs stating staff would review the issue and report back. A motion and second was made to approve staff's recommendation.

An unidentified staff member, City Attorney Montoy and Mr. Hobbs responded to questions of Councilmember Perea and Dages relative to whether alternative fuel vehicles were being purchased to replace the surplus vehicles and if city employees had an opportunity to purchase the equipment/vehicles.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the equipment listed in the staff report hereby declared as surplus, and the Purchasing Manager authorized to dispose of the equipment in conformance with Section 3-202 of the Fresno Municipal Code, by the following vote:

142-150

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Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-R) APPROVE RECOMMENDATION OF THE BLUE RIBBON COMMISSION ON IMPROVEMENT OF HISTORIC PRESERVATION POLICIES, WHICH SETS FORTH ITS RECOMMENDATIONS REGARDING THE ARMENIAN EVANGELICAL CHURCH STRUCTURE AT 546 “N” STREET, AND SETTING A PUBLIC HEARING FOR NOVEMBER 18, 2003, AT 5:00 P.M. TO CONSIDER AND TAKEN ACTION ON THE RECOMMENDATIONS

Upon question of Councilmember Perea, Planner Unruh clarified Council receipt of the Blue Ribbon Commission recommendation was for informational purposes only.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the recommendation of the City of Fresno’s Blue Ribbon Commission on Improvement of Historic Preservation Policies, which sets forth its recommendations regarding the Armenian Evangelical Church structure at 546 N Street hereby received, and a public hearing set for November 18, 2003, at 5:00 p.m. to consider and take action on the recommendations, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

- - - -

(2:30 P.M.) COUNCIL COMMITTEE REPORT ON SOCIAL SERVICES FUNDING

1. APPROVE COMMITTEE RECOMMENDATION TO ACCEPT THE RECOMMENDATIONS MADE BY THE HUMAN RELATIONS COMMISSION (HRC) FOR SOCIAL SERVICES FUNDING FOR FISCAL YEAR 2004
2. APPROVE COMMITTEE RECOMMENDATION TO DIRECT THAT THE CITY OF FRESNO SOCIAL SERVICES GRANT WRITING PROGRAM PRIORITIZE THE PREPARATION OF GRANT APPLICATIONS TO ASSURE THOSE AGENCIES NOT AFFILIATED WITH (AND WHO DO NOT RECEIVE FROM) THE UNITED WAY OF FRESNO ARE FIRST TO RECEIVE CITY ASSISTANCE IN APPLYING FOR GRANTS

Committee Member Sterling reviewed the issue and the changes made by the Council Committee, all as contained in the memorandum submitted to Council dated October 16th; advised the Committee, along with the HRC and the Non-Profit Council, agreed to begin meeting this December to re-evaluate the process under which social services funds are distributed; and reiterated the committee did its best to be as fair as possible with the limited amount of funds this year. Committee Member Perea added the overall decrease in social service funds affected all the agencies’ budgets; stated the committee was sensitive to the concerns expressed with the process and that was why the committee was going to work with the HRC and the Non-Profit Council to establish a process and cornerstones for the next fiscal year so the process will be smoother; and made a motion to approve the HRC’s recommendations *as modified by the Council Committee and outlined in the memorandum submitted to Council*, which motion was seconded, later amended to include #2, and acted upon.

Councilmember Duncan reiterated he would oppose the motion due to his personal philosophy about the role of city government and giving direct grants; complimented the Council Committee for doing an outstanding job in a very difficult situation and the HRC for all their work and recommendations; and stated it needed to be made clear that this Council did something historic in that the total impact provided to social services agencies was not just the \$375,000 in direct grants but was also representative in the \$1.3 million that was generated with the grant writing program with the United Way for a total \$1.675 million of funds this Council helped to generate for non-

profit agencies in the city of Fresno.

Councilmember Calhoun stated he was also pleased with the work of the Council Committee, stated although he would support the motion he had a concern with how this matter got to this point in the first place, and acknowledged there will never be the level of funding needed for social service agencies, noted a lot of good groups were left out, and stated if this matter is before Council next year he will only support it if the agencies get a similar pledge from Fresno County emphasizing it was not fair for the city of Fresno to carry the burden alone and the City was just as tight with their funds as Clovis and Fresno County were and everyone needed to think about that.

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Councilmember Perea amended his motion to include #2 above as an addendum to the standard agreement with the agencies. Councilmembers Sterling and Perea responded briefly to questions of President Boyajian relative to whether the committee considered those groups that lost the most funding and if the committee received the information on which groups received grant funding and the amount.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the recommendations made by the Human Relations Commission (HRC) for social services funding for Fiscal Year 2004 hereby approved, *as modified by the Council Committee and outlined in the memorandum to Council dated October 16, 2003*, and the City of Fresno Social Services Grant Writing Program directed to prioritize the preparation of grant applications to assure those agencies not affiliated with (and who do not receive funding from) the United Way of Fresno are first to receive City assistance in applying for grants, by the following vote:

Ayes : Calhoun, Castillo, Dages, Perea, Sterling, Boyajian
Noes : Duncan
Absent : None

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA)

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

1. SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF JUDGE ROBERTSON
2. CASE NAME: CITY OF FRESNO V. UNOCAL CORPORATION, INDIVIDUALLY AND FORMERLY KNOWN AS UNION OIL COMPANY OF CALIFORNIA; CONOCOPHILLIPS COMPANY; CITGO PETROLEUM CORPORATION; CHEVRON USA, INC.; CHEVRON/TEXACO CORPORATION; TEXACO REFINING & MARKETING, INC.; SHELL OIL COMPANY; EXXON MOBIL CORPORATION; MOBIL CORPORATION; ULTRAMAR, INC.; ATLANTIC RICHFIELD COMPANY; BP PRODUCTS NORTH AMERICA, INC.; LYONDELL CHEMICAL COMPANY, INDIVIDUALLY AND FORMERLY KNOWN AS ARCO CHEMICAL COMPANY

The City Council met in closed session in Room 2125 at the hour of 2:55 p.m. to consider the above matters and reconvened in regular open session at 4:04 p.m.

(4-A) PUBLIC COMMENT PERIOD - SCHEDULED PUBLIC COMMENT: APPEARANCE BY TROY JOWERS AND WAYNE NORDYKE TO DISPUTE A FEE IMPOSED BY CODE ENFORCEMENT FOR REMOVING DEBRIS FROM HIS PROPERTY

Appearance made by Mr. Jowers, Councilmember Sterling explained the situation, City Manager Hobbs stated the City's hearing officer would review the file and report back, and Councilmember Sterling stated she would provide the city manager with all the information she has. There was no further discussion.

(4:00 P.M.) CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF THE MAYORAL VETO OF COUNCIL ACTION AWARDING AN INTERIM 20-MONTH CONTRACT EXTENSION TO LAIDLAW TRANSIT SERVICES FOR CONTINUATION OF HANDY RIDE PARATRANSIT SERVICES - COUNCILMEMBER DAGES

Councilmember Dages gave a brief overview of the issue and made a motion to override the Mayor’s veto, which motion was seconded and later acted upon. Upon question of Councilmember Dages, City Attorney Montoy advised she and the transit general manager were drafting the letter to the FTA and it was almost complete, clarified the letter would include all the rationale for Council’s extension and all the reasons that were part of the public record **(6 - 0)**, and added if the FTA does not approve the extension she would still recommend at least a six month extension.

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Speaking to the issue were: Brent Bethel, 1856 W. Santa Ana #102, support for Laidlaw and the motion; David Barker, 12051 E. American, Del Rey, who requested Council stick with the contract; Mike Briggs, 3097 Willow, representing Laidlaw, support for the motion; Keith Thurmon, 4705 E. McKinley #f, who spoke of problems with Handy Ride; John Ramirez, P.O. Box 4036, support for the motion; Harlan Brewer, 1335 E. Calwa, Laidlaw employee, support for Laidlaw; Stanley Simas, 1733 S. Willow, support for Laidlaw; George Helton, no address provided, support for Laidlaw; Rick Steitz, 1056 W. Fremont, Business Agent, ATU, support for the motion; Ophelia Heston, 1534 N. Sixth, support for the motion; Shirley Garrett, 1555 N. Pleasant #101, ADA Council, support for the motion; Mal Cooley, 5255 N. Fresno St. #105, support for Laidlaw and Handy Ride; Rosetta Traylor, 3166 Princeton, support for the motion and Laidlaw; Barbara Hunt, 2475 S. Walnut, support for Handy Ride; Shirley Harper, 347 Fourth Street, Clovis, support for the motion and Laidlaw; Mary Kasson, 3057 N. Dewey, support for the motion; Doug Thompson, Handy Ride Manager, 1330 E. El Dorado, support for the motion; Jenna Liberty, 2332 E. Menlo, support for the motion; Carol Casey, 1917 S. Chestnut #10G, support for Laidlaw; and Irene Soto, 7087 N. Thorne, support for the motion.

City Manager Hobbs emphasized Handy Ride service would be maintained and the service would be in quality fashion; stated the question and issue was who can provide quality service at the best/lowest price and stressed the City owed it to the taxpayers to find that out; and clarified the administration had no preference on whether the service was provided in-house or by outside contract. Councilmember Duncan emphasized this was not about getting rid of Laidlaw or Handy Ride; advised Handy Ride was funded primarily with Federal funds and Federal regulations required open competition; stressed whether anyone liked it or not the City had to go through the RFP process by law and explained; further clarified cutting employees’ wages was not on the table, the cost for the service would be only one factor in the considerations, and the goal was to give the best service possible at the best price; emphasized whether the RFP process was done now or in 18 months it was still going to happen; and clarified Laidlaw would continue to provide the service and if Laidlaw submitted the best proposal they would get the contract.

Councilmember Perea expressed his admiration for those that came and spoke, **(7 - 0)** and stated he would support the motion stating the city had the authority to extend the contract. Councilmember Sterling also spoke in support of the motion, stated she did not support taking away the community’s or Laidlaw employees’ security; and urged Council to override the veto stating this would allow time for all involved to work on the quality of service and security for all. Councilmember Dages stated how a city treats its citizens defines the integrity of that city and stressed “Laidlaw is not broken -- don’t fix it”. Upon question of President Boyajian, Ms. Montoy confirmed the motion was legally permissible.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the Mayoral veto of Council’s action awarding an interim 20-month contract extension to Laidlaw Transit Services hereby overridden, by the following vote:

Ayes : Castillo, Dages, Perea, Sterling, Boyajian
Noes : Calhoun, Duncan
Absent : None

CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of Item B-1, Claim of Judge Robertson v. COF, the Council rejected the claim by

a vote of 7-0.

(4-B) PUBLIC COMMENT - UNSCHEDULED COMMUNICATION

REQUEST (1) CITY MANAGER PROVIDE AN UPDATE REPORT ON THE CUP STRIKE FORCE, AND (2) STAFF LOOK INTO LACK OF A CITY SEAT ON LAFCO THROUGH LEGISLATIVE MEANS AND REPORT BACK WITH IDEAS - COUNCILMEMBER CALHOUN

Requests made with City Manager Hobbs stating staff would report back on the two issues.

APPEARANCE BY BARBARA HUNT RELATIVE TO LAFCO CONCERNS, SAN JOAQUIN VALLEY TAXPAYERS ASSOCIATION LETTER ENDORSING HER FOR CITY COUNCIL, AND LOW AND MODERATE INCOME HOUSING FUNDS

Appearance made; no action taken.

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CONCERNS WITH FCEA CONTRACT NEGOTIATIONS

Debra Maggy, 1639 Santa Ana, Clovis, police department employee; Rebeca Garcia, 1844 W. Simpson, solid waste employee; Andrea Walls, 31274 Pennyroyal Lane, Prather; and Alex Correa, FCEA Business Agent, expressed concerns with the 5:00 p.m. item being removed from the agenda and/or with the contract negotiations, the “lies” and misinformation being told to Council, and the unfairness of not giving the employees the raises they deserve.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:31 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the ____28th____ day of ____October____, 2003.

_____/s/_____
Tom Boyajian, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

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10/21/03